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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,664	03/17/2004	Elena Peron	38822/GM/ps	3304

7590 08/07/2008
MODIANO & ASSOCIATI
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EXAMINER

MORGAN JR, JACK HOSMER

ART UNIT	PAPER NUMBER
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3782

MAIL DATE	DELIVERY MODE
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08/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/801,664	Applicant(s) PERON ET AL.	
	Examiner JACK H. MORGAN JR	Art Unit 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 and 13-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 10-12 and 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 10, 2008 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21, 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Mobs (US 6,352,364). Mobs discloses a package having a first longitudinal seal (9) with an inside/outside seal (Fig 1), further comprising second sealing bands (3 and 4) of inside/inside type, a sealed extension region (8) extending from one of the sealing bands, and transverse preweakening slit incisions (a pair of them, forming the two cuts of the V, 11) in one of the longitudinal flaps, which are smaller in width than the width of the first sealing band.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marbler et al. (US 6,726,363). Marbler et al. disclose a package having a first longitudinal seal (23) with an inside/outside seal (Fig 3), further comprising second sealing bands (17a) of inside/inside type, and transverse preweakening slit incisions (20a) in either one or both of the longitudinal flaps (Col 5, lines 58-62, "on at least one layer", showing that more than one layer (both) is envisioned), which run a length equal to that of the sealed extension region and are smaller in width than the width of the first sealing band (the width of the sealing band being measured between the two second sealing bands).

The inside/outside longitudinal seal version of Marbler et al. does not disclose a sealed extension region extending from one of the sealing bands. However, an alternate embodiment of Marbler et al. (Fig 4) discloses a sealed extension region (17b) in order to provide a convenient starting location (27) to open the bag from. It would have been obvious to one of ordinary skill in the art at the time of invention to create the inside/outside seal version of Marbler et al. with the sealed extension region as taught by the alternate embodiment in order to provide a convenient starting location for opening the bag.

4. Claims 8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marbler et al. (US 6,726,363) in view of Arnold et al. (US 3,415,286). Marbler et al. disclose a package having a first sealing band (19) with an inside/inside seal (Fig 2), further comprising second sealing bands (17) of inside/inside type, and transverse preweakening slit incisions (20) in at least one of the longitudinal flaps.

The inside/inside longitudinal seal version of Marbler et al. does not disclose a sealed extension region extending from one of the sealing bands. However, an alternate embodiment of Marbler et al. (Fig 4) discloses a sealed extension region (17b) in order to provide a convenient starting location (27) to open the bag from. It would have been obvious to one of ordinary skill in the art at the time of invention to create the inside/inside seal version of Marbler et al. with the sealed extension region as taught by the alternate embodiment in order to provide a convenient starting location for opening the bag.

Marbler et al. does not disclose an adhesive layer provided at the first sealing band to adhere it to the outer surface of the body. Arnold et al. disclose an improved longitudinal seal. Arnold et al. disclose a seal similar to the seal of Marbler et al. (Fig 7), but then show an improved seal (Fig 6) having an adhesive layer (A) provided at the seal in order to adhere it to the outer surface of the body, thereby provide a seal that is not only stronger than the traditional seal, but also less bulky (Col 5, lines 61-65). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to create the bag of Marbler et al. with an improved inside/inside seal having an adhesive layer as taught by Arnold et al. in order to provide a less bulky, yet stronger

seal. With respect to claims 11 and 12, the adhesive layer of Arnold et al. is a sealing film, and is distributed the entire length of the seal, so it is at the transverse sealing band having the extension region with a weakening pre-cut.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marbler et al. (US 6,726,363) in view of Arnold et al. (US 3,415,286) as applied to claim 8 above, and further in view of D.C. Leary, JR (US 6,352,364). Marbler et al. as modified above disclose all the limitations of the claim except for the adhesive layer being a thermolacquer.

Leary discloses a package wherein the adhesive layer is constituted by a thermolacquer (Col. 14, lines 23-33) in order to create a good seal. Therefore it would have been obvious to one of ordinary skill in the art to create the adhesive layer of Marbler et al. as modified above with the adhesive layer being a thermolacquer as taught by Leary in order to create a good adhesive seal.

Response to Arguments

6. Applicant's arguments with respect to claims 8, 10, 11 and 12 have been considered but are moot in view of the new ground(s) of rejection.

7. With response to applicant's arguments regarding the use of "stickpac" in the claims, Examiner finds that the term is not used to impart additional structure, as the definition of stickpac as seen in the cited patent is merely a tubular bag having a

longitudinal and two transverse seals. As this structure is explicitly set forth in the present application's independent claims, the term stickpac is acceptable. The 112 rejections have been withdrawn.

Conclusion

8. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACK H. MORGAN JR whose telephone number is (571)272-3385. The examiner can normally be reached on M-Th 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jack H Morgan
Examiner
Art Unit 3782

/Nathan J. Newhouse/
Supervisory Patent Examiner, Art Unit 3782